

U.S.S.N. 10/791,607

Remarks

Thorough examination and careful review of the application by the Examiner is noted and appreciated.

The gracious allowance of Claims 28-33 by the Examiner is further acknowledged and appreciated.

Claims 22,24,25,34-37 and 40 have been canceled and withdrawn from further consideration by the Examiner.

Claim 26 has been amended to clearly distinguish over the teachings of Chen '984 publication.

Claims 26 and 27 are pending and stand rejected.

Claim Rejections Under 35 USC § 102

Claims 22,24-27,34-37 and 40 are rejected under 35 USC § 102(e) as being anticipated by Chen '984 publication.

Claims 22,24,34-37 and 40 have been canceled and withdrawn from further consideration by the Examiner. These claims have canceled to facilitate the examination and to expedite the

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application toward issuance.

Independent Claim 26 has been amended to clearly distinguish from the teachings of Chen publication. While the Examiner stated that Chen discloses a phase change memory structure that is similar to the present invention structure, the Applicants respectfully submit that the presently amended independent Claim 27 which more clearly and more narrowly recites the present invention, is clearly distinguishable from the Chen reference.

The present invention independent Claim 26, in its newly amended form, clearly recites:

"an upper conductive electrode on said phase change memory element contact area; wherein a spacer bottom portion partially overlaps the conductive area and said upper conductive electrode at least partially overlaps said conductive area"

The amendment to the claim is clearly supported by the drawings of Figures 1E, 1F, 2A and 2B that in the present invention structure, the upper electrodes clearly overlays the lower electrode. This is clearly not taught or disclosed by Chen.

Chen instead discloses a structure, as clearly shown in

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Figures 9A, 9B and 9C, wherein the top electrode 40, while contacting the phase change element 30 clearly does not overlay the bottom electrode 10. This is clearly shown by the top or plan view of Figure 9B, and by the cross-sectional views of Figures 9A and 9C. The Applicants therefore respectfully submit that the Chen structure does not teach "an upper electrode that overlays a lower electrode" such as that clearly recited in independent Claim 26.

A reconsideration for allowance of the newly amended independent Claim 26 and its dependent Claim 27 for allowance is respectfully requested of the Examiner.

Based on the foregoing, the Applicants respectfully submit that all the pending Claims, i.e. Claims 26 and 27 are now in condition for allowance. Such favorable action by the Examiner, together with the passage to issuance of the allowed Claims 28-33 is respectfully solicited from the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a

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condition for allowance.

Respectfully submitted,

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